

(1) Second and Final Account and Report of Conservator: and (2) Petition for Allowance of Compensation to Conservator and Attorney

<b>DOD:12-29-11</b>		<b>PUBLIC GUARDIAN</b> , Conservator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Petitioner requests \$3,309.20; however, the itemization at Exhibit D reflects a total of \$2,439.20, a difference of \$870.00. Need clarification.</b>
		Account period: 6-3-04 through 12-29-11	
		Accounting: \$8,615.64	
		Beginning POH: \$1,894.41	
		Ending POH: \$1,238.41	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Account period: 12-30-11 through 8-13-12	
<input type="checkbox"/>	Inventory	Accounting: \$2,282.77	
<input type="checkbox"/>	PTC	Beginning POH: \$1,238.41	
<input type="checkbox"/>	Not.Cred.	Ending POH: \$2,282.77	
<input checked="" type="checkbox"/>	Notice of Hrg	Conservator: \$3,309.20 (21.45 Deputy hours @ \$96/hr and 5 Staff hours @ \$76/hr for a total of \$2,439.20)	
<input checked="" type="checkbox"/>	Aff.Mail	Attorney: \$1,250.00 (Reduced from local rule)	
<input type="checkbox"/>	Aff.Pub.	Petitioner states Mr. Aguilar died intestate and has no known next of kin.	
<input type="checkbox"/>	Sp.Ntc.	Petitioner requests that due to the insufficiency of the estate, a lien be imposed against the estate for any unpaid balance of the authorized fees and commissions. Liens exist for the first account in the amount of \$1,800.00 for the Public Guardian and \$1,600.00 for County Counsel.	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/>	Aff. Posting	1. Finding that the conservatorship of the person and estate terminated at the conservatee's date of death;	
<input type="checkbox"/>	Status Rpt	2. Approving, allowing and settling the account;	
<input type="checkbox"/>	UCCJEA	3. Authorizing the conservator and attorney fees and commissions;	
<input type="checkbox"/>	Citation	4. Imposing a lien against the estate for any unpaid balance of the authorized fees and commissions; and	
<input type="checkbox"/>	FTB Notice	5. For any other orders the Court considers proper.	
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 10-25-12
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 1 - Aguilar</b>

<b>DOD: 2-15-08</b>		<p><b>DOROTHY SALWASSER</b>, Surviving Spouse and Administrator appointed 5-6-08 without bond, is Petitioner.</p> <p>Decedent died intestate</p> <p>Petitioner states she and the decedent were married in 1970 and during their marriage acquired substantially all of their assets as listed here as community property with earnings during the marriage.</p> <p>Petitioner states that at the time of the decedent's death, he held a beneficial interest in his father's estate (<i>Estate of Walter Salwasser</i>) and trust (<i>Walter Salwasser 1995 Family Trust</i>); however, this petition is expressly limited to the community property of Petitioner and the decedent and does not seek determination or confirmation of the decedent's beneficial interest in or any property acquired directly from his father's estate or trust.</p> <p>Petitioner requests Court confirmation that ½ of various certain real property, proceeds from the sale of real property, bank accounts, personal property, and business (sole proprietorship) belongs to Petitioner, and ½ passes to her.</p> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGE</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>	
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			W
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
			<b>Reviewed by:</b> skc	
			<b>Reviewed on:</b> 10-25-12	
			<b>Updates:</b>	
			<b>Recommendation:</b>	
			<b>File 2 - Salwasser</b>	

**Assets to be confirmed/passed:**

1. Real property on Dickenson in Fresno (APN 025-320-15 & 025-221-23): Acquired during the marriage in 1973 with earnings during the marriage, always intended to be, and treated as, community property, held as "Denis W. Salwasser and Dorothy J. Salwasser, husband and wife;"
2. APN 016-350-05 in Fresno County held as "Denis W. Salwasser and Dorothy J. Salwasser, husband and wife," acquired during the marriage in approx. 1976 with earnings during the marriage, always intended to be, and treated as, community property;
3. APN 025-360-04 in Fresno County held as "Denis W. Salwasser and Dorothy J. Salwasser, husband and wife," acquired during the marriage in 1980 with earnings during the marriage, always intended to be, and treated as, community property;
4. APN 025-120-14 in Fresno County held as "Denis W. Salwasser and Dorothy J. Salwasser, husband and wife, as Joint Tenants" (for convenience only), acquired during the marriage in 1988 with earnings during the marriage, always intended to be, and treated as, community property;
5. APN 312-290-17 in Fresno County held as "Denis W. Salwasser and Dorothy J. Salwasser, husband and wife, as Joint Tenants" (for convenience only), acquired during the marriage in 1971 with earnings during the marriage, always intended to be, and treated as, community property;
6. APN 016-020-33S in Fresno County held as "Denis W. Salwasser and Dorothy J. Salwasser, husband and wife, as Joint Tenants" (for convenience only), acquired during the marriage in 1992 with earnings during the marriage, always intended to be, and treated as, community property;
7. Real property (condo) in Santa Cruz held as "Denis W. Salwasser and Dorothy J. Salwasser, husband and wife, as Joint Tenants" (for convenience only), acquired during the marriage in 1988 with earnings during the marriage, always intended to be, and treated as, community property;
8. Title to Central Valley Community Bank Account held as "Denis Salwasser DBA Salwasser Farm" opened during the marriage in 2002 which amounts on deposit were earnings during the marriage and which account was always intended to be, and treated as, community property;
9. Title to Central Valley Community Bank Account held as "Denis W. Salwasser and Dorothy J. Salwasser, Community Property" opened during the marriage in 2002, which amounts on deposit were earnings during the marriage and which account was always intended to be, and treated as, community property;
10. The business commonly known as Salwasser Farms, a sole proprietorship, was a business formed and operated during the marriage with earnings during the marriage, and was always intended to be, and treated as, community property;
11. Record ownership of ReliaStar Life Insurance Company policy on the life of Dorothy Salwasser, held in the name of Denis Salwasser for convenience only, acquired during the marriage in 1984, with annual premiums paid with earnings during the marriage;
12. Record ownership of Prudential policy on the life of Dorothy Salwasser, held in the name of Denis Salwasser for convenience only, acquired during the marriage in 1997, with annual premiums paid with earnings during the marriage;
13. Title to Chooljian Bros. Packing Account held as "Denis or Dorothy Salwasser" which amounts on deposit were earnings during the marriage, and the account was always intended to be and treated as community property.

- (1) First and Final Account and Report of Executor and Petition for Its Settlement,  
 (2) for Allowance of Statutory Fees and Commission, Extraordinary Attorneys and  
 (3) Final Distribution under Will

<b>DOD: 11/18/09</b>		<b>GINO PERSICONE</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: <b>11/18/09 – 08/20/12</b>	
<b>Cont. from</b>		Accounting - <b>\$101,293.89</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$95,426.77</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$82,353.60</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	(\$32,353.60 is cash)	
<input checked="" type="checkbox"/>	<b>PTC</b>	Executor - <b>\$4,023.82</b>	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Attorney - <b>\$4,023.82</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Attorney x/o - <b>\$750.00</b> (for 3	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	hours work @ \$250.00/Hr. related to motion	
	<b>Aff.Pub.</b>	for a relative to produce the original will)	
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>	Closing - <b>\$2,500.00</b>	
	<b>Conf. Screen</b>	<b>Distribution, pursuant to Decedent's Will, is to:</b>	
<input type="checkbox"/>	<b>Letters</b>	<b>Gino Persicone</b> - \$7,018.65 plus	
	<b>Duties/Supp</b>	½ interest in real property	
	<b>Objections</b>	<b>Guido Persicone</b> - \$7,018.65 plus	
	<b>Video Receipt</b>	½ interest in real property	
	<b>CI Report</b>	<b>Dino Persicone</b> - \$7,018.65 plus a life	
	<b>9202</b>	estate in real property	
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 10/26/12
			<b>Updates:</b> 10/29/12
			<b>Recommendation:</b>
			<b>File 3 - Persicone</b>

Atty Jaech, Jeffrey A. (for proposed conservatee)

Atty Amador, Catherine A. (for Michael H. Smith &amp; Jenna R. Smith – son &amp; granddaughter/Petitioners)

Atty Kruthers, Heather H. (for Public Guardian – nominated Conservator)

**Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.  
1820, 1821, 2680-2682)**

Age: 84		<b><u>NO TEMPORARY REQUESTED</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<p><b>MICHAEL H. SMITH</b>, son, and <b>JENNA R. SMITH</b>, granddaughter, are Petitioners and request that the <b>PUBLIC GUARDIAN</b> be appointed as Conservator of the Person with Medical Consent powers and Dementia Powers to administer medications and for placement in a secured perimeter facility and as Conservator of the Estate without Bond.</p> <p><b>Estimated Value of the Estate:</b>            Personal property - \$ 20,000.00            Annual income - 35,000.00            Real property - 500,000.00  <b>Total - \$555,000.00</b></p> <p>Voting rights affected.</p> <p>Petitioners state that they are concerned that the proposed conservatee appears to be declining in health and they are unsure if he is receiving the level of care he needs due to tension between Petitioners and the proposed conservatee's grandson "Butch". Petitioners allege that Butch exerts undue influence over the proposed conservatee and limits other family members from visiting. Petitioners also state that they are concerned that Butch may be using the proposed conservatee's funds for his own use under a Durable Power of Attorney. Due to the conflict in the family, Petitioners are requesting that the Public Guardian be appointed as conservator of the Person &amp; Estate.</p> <p><b>Court Investigator Samantha Henson filed a report on 10/25/12.</b></p>		<p><b><u>CONTINUED TO 11/28/12</u></b>  <b>Per request of Counsel</b></p> <p>Court Investigator advised rights on 10/23/12.</p> <p><b>Voting rights affected. Need Minute Order.</b></p> <ol style="list-style-type: none"> <li>1. Need Citation.</li> <li>2. Need proof of personal service at least 15 days before the hearing of Citation and copy of the <i>Petition for Appointment of Conservator</i> on the proposed conservatee.</li> <li>3. The petition indicates that the proposed conservatee receives or is entitled to receive benefits from the U.S. Dept. of Veterans Affairs. Therefore, need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Conservator</i> to The Office of the Veterans Administration.</li> <li>4. Capacity Declaration to support Medical Consent and Dementia Powers requested.</li> <li>5. Need Order and Letters.</li> </ol> <p><b>Note:</b> If the Petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>• <b>Friday, March 1, 2013 at 9:00 am in Dept. 303</b> for filing of the Inventory &amp; Appraisal; and</li> <li>• <b>Friday, January 3, 2014 at 9:00 am in Dept. 303</b> for filing of the First Account.</li> </ul>	
Cont. from					
<input type="checkbox"/>	Aff.Sub.Wit.				
✓	Verified				
<input type="checkbox"/>	Inventory				
<input type="checkbox"/>	PTC				
<input type="checkbox"/>	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail			w/	
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input type="checkbox"/>	Pers.Serv.				
✓	Conf. Screen				
<input type="checkbox"/>	Letters	x			
✓	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt	n/a			
✓	CI Report				
<input type="checkbox"/>	9202				
<input type="checkbox"/>	Order	x			
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation	x			
<input type="checkbox"/>	FTB Notice				

Petition for Probate of Will and for Letters Testamentary; Authorization to  
Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 04/06/12		<b>BARBARA M. BROWN</b> , spouse, is Petitioner, and requests appointment as Executor without Bond.  Full IAEA – OK  Will dated: 10/11/01  Residence: Clovis Publication: The Business Journal  <u><b>Estimated Value of the Estate:</b></u> Personal property - \$212,511.90  Probate Referee: <b>STEVEN DIEBERT</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>CONTINUED FROM 09/26/12</b></u>  <u><b>Note:</b></u> Status hearings will be set as follows:  <ul style="list-style-type: none"> <li><b>Friday, April 5, 2013 at 9:00 am in Dept. 303</b> for filing of the Inventory &amp; Appraisal; and</li> <li><b>Friday, January 30, 2014 at 9:00 am in Dept. 303</b> for filing of the Accounting and Petition for Distribution</li> </ul>
Cont. from 092612			
	Aff.Sub.Wit. s/p		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: JF Reviewed on: 10/25/12 Updates: 10/26/12 Recommendation: SUBMITTED File 5 - Brown	

Atty Sanoian, Joanne, sole practitioner (for Petitioner Christine Roberts, Guardian of the Estate)

**Petition for Order Establishing the Jennifer Roberts Special Needs Trust; for Deposit of Funds Into a Blocked Account in the Name of the Trust; and for Authorization to Purchase Real Property Residence**

<b>Age: 14 years</b>		<p><b>CHRISTINE ROBERTS</b>, mother and Guardian of the Estate appointed 7/9/2012, is Petitioner.</p> <p><b>Petitioner seeks an order pursuant to Probate Code § 2580(b)(5) to establish a Special Needs Trust (SNT) for the benefit of the minor, to be funded by life insurance proceeds from the estate of her deceased father, MICHAEL W. ROBERTS. Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The Guardianship of the Estate was established for the purpose of receiving the minor's life insurance proceeds from her deceased father, <b>MICHAEL W. ROBERTS</b>, of ~\$35,000.00 from MetLife and ~\$200,000.00 from Prudential;</li> <li>The minor has a diagnosis of mental retardation and is developmentally disabled, she receives Medi-Cal benefits and relies upon them for her basic needs, and because these benefits are "needs based" and the minor cannot have more than \$2,000.00 in "countable assets," a distribution of assets to the Guardianship Estate will result in eliminating her eligibility for vital public benefits, including Medi-Cal and future SSI, unless the minor's assets are directed to a SNT;</li> <li>The minor receives Survivor's Benefits, so she does not receive federal Supplemental Security Income (SSI) at this time, though once the minor reaches age 18, she will stop receiving her monthly Survivor's Benefits and will need to start receiving SSI;</li> </ul> <p align="center">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Guardianship of the Estate for the proposed SNT Beneficiary was established on 7/9/2012 in Case #12CEPR00499, and is set for status hearing for filing of the <i>Inventory and Appraisal</i> in the Guardianship Estate on <u>11/16/2012</u>.</p> <p><b>Note:</b> Kenneth Roberts (paternal grandfather of SNT Beneficiary) was appointed Administrator of the <i>Estate of Michael W. Roberts</i> (#12EPR00290), father of proposed SNT Beneficiary, from whose estate the SNT Beneficiary will be receiving the proceeds to fund the SNT. Status hearing is set for hearing for filing the Final Inventory and Appraisal of the estate on <u>3/15/2013</u>.</p> <p align="center">~Please see additional page~</p>
<b>Cont. from 101712</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b> w/		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 10/25/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6 - Roberts</b></p>	

**Petitioner states, continued:**

- The only way to preserve eligibility for the minor is to direct the assets to a SNT, without which the minor's special needs for supportive services, supplemental medical services, and other palliative care are unlikely to be met; the establishment of the SNT is necessary to provide for the minor's current and future needs while preserving her eligibility for public benefits;
- The minor is also a beneficiary of her deceased father's estate (Case #12CEPR00290), which distribution to the minor is still to be determined [*hearing date on appointment set for 10/18/2012*];
- The proposed SNT meets the criteria under 42 USC § 1396p(d)(4)(A) and the Court has jurisdiction and authority to create a SNT to preserve a disabled minor's eligibility for public benefits on a substituted judgment petition (*Conservatorship of Kane* (2006) 137 CA4th 400); Probate Code § 2580(a)(1) allows a petition for court order authorizing the Guardian to take a proposed action benefiting the conservatee, and Probate Code § 2580(b)(5) allows the court to order creation of a revocable or irrevocable trust; the appellate court in *Kane* held that a SNT for an inheritance of a person with a disability who is conserved may be established under Probate Code § 2580(b)(5); the appellate court noted it would be inconsistent with federal legislation to allow a SNT for litigation beneficiaries under Probate Code § 3600 but not for a disabled beneficiary's inheritance;
- Petitioner requests the Court establish the **JENNIFER ROBERTS SPECIAL NEEDS TRUST**, and order that all assets obtained by the Guardianship Estate, or to be distributed to the Guardianship Estate, be transferred to or vested in the proposed SNT (*copy of proposed SNT attached as Exhibit B*);
- Petitioner proposes that Petitioner **CHRISTINE ROBERTS**, mother, be named initial Trustee of the SNT; (*Consent to Serve as Trustee filed 10/15/2012*);
- Petitioner also seeks an order of the Court authorizing Petitioner to sign the proposed **JENNIFER ROBERTS SPECIAL NEEDS TRUST** as Grantor, on behalf of the minor.

**Proposed SNT complies with all Federal and State law requirements:**

- The proposed SNT Beneficiary meets the eligibility requirements of 42 USC § 1396p(d)(4)(A) in that:
  - (1) she is under age 65 (she is currently 14 years old);
  - (2) she is disabled as defined in 42 USC § 1382c(a)(3), and meets the definition based further on the same provision for eligibility required for SSI and Medi-Cal; and
  - (3) the trust provides that on the minor's death, the state Medicaid agency (Medi-Cal) will receive reimbursement for all medical assistance provided to the minor.
- The proposed SNT complies with CA Rule of Court 7.903(c) as follows:
  - (1) It does not contain a no-contest clause;
  - (2) It prohibits modification or revocation without court approval;
  - (3) It clearly identifies the trustee and any other person with authority to direct the trustee to make disbursements;
  - (4) It prohibits investments by the trustee other than those permitted under Probate Code § 2574;
  - (5) It requires the [trustee and any other person with authority to direct the trustee to make disbursements] to post bond in an amount required under Probate Code § 2320 – 2344, and/or deposit all funds in a blocked account pursuant to Probate Code § 2456; no deposits or withdrawals can be made without court authorization;
  - (6) It requires the trustee to file accounts and reports for court approval in the manner and frequency required by Probate Code § 1060 – 1064 and 2620 – 2628;
  - (7) It requires court approval of changes in trustees and a court order appointing any successor trustee;
  - (8) It requires that compensation of the trustee or attorney for trustee to be in just and reasonable amounts that must be fixed and allowed by the court.

~Please see additional page~



**Proposed SNT complies with all Federal and State law requirements, continued:**

- The proposed SNT meets the requirements of **Local Rule 7.19** as follows:
  - (1) Copy of proposed SNT is attached to the *Petition*;
  - (2) SNT complies with CA Rule of Court 7.903;
  - (3) SNT requires court confirmation of sales of trust real property;
  - (4) The order provides the SNT shall be subject to the court's continuing jurisdiction and shall be subject to periodic accounts as required in guardianship and conservatorship matters;
  - (5) SNT prohibits payment of fees to attorneys, trustees or others without prior court approval.

**Trustee and Bond:** Petitioner requests an order that the Trustee deposit all funds into blocked account(s) at Bank of the West in the name of the SNT pursuant to Probate Code § 2456; Petitioner states she can later seek an order authorizing her to post a bond pursuant to the requirements under Probate Code § 2320 – 2335.

**Petitioner also seeks an order authorizing the Petitioner to search for and to subsequently petition this Court for, as Trustee of the SNT, the purchase of a family residence for the benefit of the minor using SNT assets.**

**Petitioner requests an Order:**

1. Establishing the **JENNIFER ROBERTS SPECIAL NEEDS TRUST**;
2. Directing Petitioner as Guardian of the Estate of Jennifer Roberts to deposit all funds from the Prudential and MetLife life insurance proceeds into a blocked account in the name of the **JENNIFER ROBERTS SPECIAL NEEDS TRUST**; and
3. Authorizing Petitioner as Trustee to search for and subsequently petition this Court for the purchase of a real property residence with funds from the SNT for the benefit of the minor.

**NEEDS/PROBLEMS/COMMENTS, continued:**

**Note:** Petitioner seeks an order pursuant to Probate Code § 2580(b)(5) [*Substituted Judgment*], typically utilized for proposed actions in conservatorships, including creating irrevocable trusts for the benefit of a conservatee. The instant *Petition* has been reviewed more aptly within the context of Probate Code §§ 3600 et seq., in particular §§ 3602(d) and 3604, for the establishment of a special needs trust relating to the Court's judgment in the father's estate that will provide for money to be paid for the benefit of the minor. Based upon the instant *Petition*, and upon Petitioner graciously and effectively incorporating the Court's suggested terms into the proposed SNT, the proposed SNT does in fact comply with said requirements pursuant to Probate Code § 3604(b)(1), (b)(2), and (b)(3), and includes the mandatory provision that all statutory liens in favor of the State Department of Health Services, the State Department of Mental Health, and the State Department of Developmental Services, and any county or city and county in this state, shall first be satisfied.

***~Please see additional page~***

**NEEDS/PROBLEMS/COMMENTS, continued:**

1. Petitioner seeks an order authorizing the Petitioner to search for and to subsequently petition this Court for the purchase of a family residence for the benefit of the minor using SNT assets. Petitioner states the minor has special needs for supportive services, supplemental medical services, and other palliative care, that are unlikely to be met without the establishment of the SNT to provide for the minor's current and future needs. Court may require further justification for the reasonableness of a real property purchase given the minor's special needs in relation to the estimated size of this proposed SNT to be established for the benefit of Jennifer Roberts, particularly in light of the fact that the SNT Beneficiary's father possessed real property which must be administered in his estate, and which real property, if distributed as such, would pass via intestacy in a one-half undivided interest to the SNT Beneficiary.

**Note:** If *Petition* is granted, Court will set status hearing as follows:

- **Friday, December 20, 2013, at 9:00 a.m. in Dept. 303** for status report on receipt of assets into the special needs trust; and/or filing of receipt for blocked account; and/or filing of the First Account of the special needs trust.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.

<b>DOD: 2-29-12</b>		<p><b>SUSAN THEA ROBINSON</b>, Surviving Spouse, is Petitioner.</p> <p>No other proceedings</p> <p><b>Will dated 2-27-12 devises entire estate to Petitioner.</b></p> <p><b>Petitioner states</b> she and the Decedent were married 9-14-85. The assets reflected on Attachment 7a are Decedent's separate property assets and Decedent's one-half interest in the community property assets, and the assets reflected on Attachment 7b are community property assets to be confirmed to Petitioner as to her one-half interest. Petitioner states that in any event, by the terms of Decedent's will, all of Decedent's property whether community or separate passes to his surviving spouse (Petitioner).</p> <p>Therefore, Petitioner requests court confirmation that her one-half community property interest in the assets reflected on Attachment 7b belongs to her, and that the assets reflected on Attachment 7a pass to her.</p> <p><b>7a Assets include:</b> Real property in Sanger, Fresno County, CA, West America Bank Account xxx59-4, Livestock (189 head as of 4-19-12), Equipment, furnishings, vehicles, real property in Thermal, Imperial County, CA, West America Bank Account xxx85-4,</p> <p><b>7b Assets include:</b> Real property in Sanger, Fresno County, CA, West America Bank Account xxx59-4, Livestock (189 head as of 4-19-12), Equipment, furnishings, vehicles</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
	<b>Aff.Sub.Wit.</b>			S/P
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			w
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
			<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 10-29-12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b> SUBMITTED</p> <p><b>File 7 - Robinson</b></p>	

Atty Campos, Denise

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p><b><u>OFF CALENDAR</u></b></p> <p>Dismissal requested by Petitioner entered 10-25-12.</p>
		Reviewed by: skc
		Reviewed on: 10-25-12
		Updates:
		Recommendation:
		File 8 – Caywood-Hernandez & Caywood-Sanchez

Nathaniel age: 10		<u>Temporary Expires 10/31/12</u>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 10/1/12.</b> Minute Order states based on Petitioner's representation that Nathaniel was tattooed by someone in the home; drugs being used in the home; men coming and going; and the children's school attendance down, the Court deems this to be an ex parte filing for temporary guardianship. The Court finds that the circumstances set forth by Petitioner constitute exigent circumstances such that the imminent safety of the children warrants the granting of the temporary. The petition is granted. The temporary expires on 10/31/12. The general hearing remains set for 11/9/12. The Court orders the Court Investigator to contact from CPS and inform them of the circumstances as well as advise them that Talina Wallace is willing to take the children immediately pending the hearing on the permanent guardianship. <b>As of 10/29/12 the following issues remain:</b>  1. Need Notice of Hearing.  2. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Aaron Swenson (father) unless court dispenses with notice. b. Teresa Swenson (mother)
Scarlet age: 7		<u>GENERAL HEARING 11/19/2012</u>		
		<b>TALINA WALLACE</b> , maternal grandmother, is petitioner.		
		Father: <b>AARON SWENSON</b> – declaration of due diligence.		
<b>Cont. from 100112</b>		Mother: <b>TERESA SWENSON</b>		
	Aff.Sub.Wit.		Paternal grandfather: unknown	
✓	Verified		Paternal grandmother: Debbie Swenson	
	Inventory		Maternal grandfather: Terry Blankenship	
	PTC		<b>Petitioner states</b> the mother is not making clear decisions due to her abusing street drugs/controlled substances and alcohol. The children are not attending school regularly. Nathan was tattooed by the mother's boyfriend, who is a felon and also abusing drugs and alcohol. The children are fearful of all the people mother has over all night and they are fearful of the mother's boyfriend. Scarlet has impetigo on her mouth. Mom and her boyfriend are part of the "jugalo" gang.	
	Not.Cred.			
	Notice of Hrg	X		
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report		<b>Court Investigator Charlotte Bien's Report filed on 10/23/12.</b>	
	9202			
✓	Order		<b>Court Investigator Charlotte Bien's Supplemental Report filed on 10/26/12</b>	
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
<b>Reviewed by: KT</b>				
<b>Reviewed on: 10/29/12</b>				
<b>Updates:</b>				
<b>Recommendation:</b>				
<b>File 9 - Swenson</b>				

10 David Corrales & Isaiah Corrales (GUARD/P)  
 Atty Estrada, Jeannette M. (pro per – paternal aunt/Petitioner)  
 Atty Estrada, Alexander D. (pro per – paternal uncle/Petitioner)

Case No. 12CEPR00939

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

David, 6	<p align="center"><b><u>GENERAL HEARING 12/13/12</u></b></p> <p><b>JEANNETTE ESTRADA</b> and <b>ALEXANDER ESTRADA</b>, paternal aunt &amp; uncle, are Petitioners.</p> <p>Father: <b>DAVID FERNANDO CORRALES</b> – <i>currently incarcerated</i></p> <p>Mother: <b>ANGELICA ALEGRIA</b> – <i>personally served on 10/23/12</i></p> <p>Paternal grandfather: CAMILO C. CORRALES          Paternal grandmother: ROSA H. MOLINA</p> <p>Maternal grandfather: UNKNOWN          Maternal grandmother: LINDA PAREZ – <i>deceased</i></p> <p><b>Petitioners allege</b> the children's father is incarcerated and their mother is homeless, abuses drugs, and engages in criminal activity. Petitioners allege that the mother has not enrolled the children in school and neglects their health and dental care. Petitioners further allege that the mother's boyfriend mistreats the children and is abusive to the mother in front of the children. Petitioners state that temporary guardianship is necessary to provide the children with a safe home and enroll them in school.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> Consent &amp; Waiver of Notice <u>or</u> Declaration of Due Diligence for:          - David Fernando Corrales (father)</p>
Isaiah, 5		
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
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<input checked="" type="checkbox"/> Notice of Hrg		
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<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 10/26/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 10 - Corrales</b></p>		

Petition for Appointment of Temporary Guardianship of the Estate

Age: 13		<u><b>GENERAL HEARING 12/03/12</b></u>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>SARAH NEGRETE</b> , mother, is Petitioner.		<ol style="list-style-type: none"> <li>Need Guardianship Petition – Child Information Attachment (Form GC-210(CA)).</li> <li>The Petitioner indicates that there is/was a guardianship of the Estate in Stanislaus County. Need case number and/or Order terminating the guardianship in Stanislaus County.</li> </ol>	
		Father: <b>MISSING CHILD INFORMATION ATTACHMENT - DECEASED</b>			
		Paternal grandparents: <b>MISSING CHILD INFORMATION ATTACHMENT</b>			
		Maternal grandparents: <b>MISSING CHILD INFORMATION ATTACHMENT</b>			
		Siblings: <b>MISSING CHILD INFORMATION ATTACHMENT</b>			
		<b>Petitioner alleges</b> that she is the minors mother and the minor lives with her in Fresno County. Petitioner states that the minor was awarded \$83,333 in death benefits upon the death of his father on 02/14/11. The minor's uncle, Jose Sanchez, was appointed as Guardian of the Estate in Stanislaus County. Petitioner has learned that the minor's funds were dwindling and currently there is only \$58,219.37 remaining. Petitioner alleges that the current guardian of the estate was unwilling or unable to account for the missing \$24,402.63 and believes that much of the money was spent for the guardians benefit for vacations to Hawaii and Mexico and was not used for the minor's benefit. Petitioner is petitioning to terminate the guardianship of the estate in Stanislaus County and seeks appointment as Guardian of the Estate in Fresno County as both she and minor live here.			
		<b>Estimated Value of the Estate:</b>			
		Personal property - \$58,912.37			
Cont. from					
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	w/			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 10/26/12	
				Updates:	
				Recommendation:	
				File 11 - Sanchez	

Atty Sanoian, Joanne, sole practitioner (for Petitioners Delia Gonzalez, Rafael De La Mora Martin, and Maria De Jesus Gomez Munoz)

Atty Murillo, Joel M., sole practitioner, Fowler (for Petitioner Carmen Barba)

Atty Wright, Judith A., sole practitioner (for Delia Gonzalez, Administrator of the Estate of Lorena De La Mora, and of the Estate of Francisco J. De La Mora)

## Petition for Appointment of Guardian of the Person and Estate (Prob. C. 1510)

Age: 16 years		<p align="center"><b>TEMPORARY GUARDIANSHIP OF THE PERSON ONLY</b></p> <p align="center"><b>EXPIRES 10/31/2012</b></p> <p><b>DELIA GONZALEZ</b>, paternal aunt, is Petitioner and requests appointment of herself and <b>RAFAEL DE LA MORA MARTIN</b> and <b>MARIA DE JESUS GOMEZ MUNOZ</b>, paternal grandparents, as <u>Co-Guardians of the Person</u>, and requests appointment of herself as <u>Guardian of the Estate</u> with deposits of an amount to be determined placed into a blocked account.</p> <p>Father: <b>FRANCISCO J. DE LA MORA</b>, deceased. Mother: <b>LORENA DE LA MORA</b>, deceased.</p> <p>Maternal grandfather: CATARINO BARBA; sent notice by mail 9/5/2012. Maternal grandmother: CARMEN BARBA; sent notice by mail 9/5/2012.</p> <p>Proposed Co-Guardians, Rafael De La Mora Martin and Maria De Jesus Gomez Munoz, consent to serve as guardians (filed 8/31/2012); proposed ward nominates Petitioner and the proposed Co-Guardians (filed 8/31/2012), and was personally served with notice on 9/4/2012.</p> <p><u><b>Estimated value of the Estate</b></u> Personal property - [to be determined]</p> <p><b>Petitioner states</b> the child's parents were killed in a plane crash on 8/25/2012, and the child is currently residing with his paternal grandparents, the Co-Petitioners. Petitioner states the child and his two siblings are the sole heirs of their parents' estates, and Petitioner [has petitioned] for Letters of Administration to probate the parents' estates. Petitioner requests no bond be required, as upon distribution to the guardianship estate, Petitioner will request that all assets be deposited into a blocked account.</p> <p><b>Court Investigator Jo Ann Morris' Report</b> was filed 10/23/2012.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p align="center"><b>THIS MATTER WILL BE HEARD AT 11:00 AM</b></p> <p><u>Page 1B</u> is the <i>Petition for Visitation</i> filed by Carmen Barba, maternal grandmother.</p> <p><u>Note:</u> Letters of Administration have been issued to <b>DELIA GONZALEZ</b> in the Estate of Lorena De La Mora (12CEPR00781) and in the Estate of Francisco J. De La Mora (12CEPR00782), the estates of this child's parents, and the following status hearings have been set in the cases:</p> <ul style="list-style-type: none"> <li><b>Friday, March 8, 2013 for filing of the Inventory and Appraisal; and</b></li> <li><b>Friday, December 6, 2013 for filing of the First Account and/or Petition for Final Distribution.</b></li> </ul> <p><u>Note:</u> Receipt of assets into the requested guardianship estate is contingent upon the final distribution timeline of the deceased parents' estates. If a guardianship estate is granted for this minor, Court will set the following status hearing to accommodate the timeline for the parents' estates:</p> <ul style="list-style-type: none"> <li><b>Friday, December 6, 2013 for status of receipt of assets from the parents' estates.</b></li> </ul>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
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<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 10/29/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1A – R. De La Mora</b></p>		



Atty Sanoian, Joanne, sole practitioner (for Petitioners Delia Gonzalez, Rafael De La Mora Martin, and Maria De Jesus Gomez Munoz)

Atty Murillo, Joel M., sole practitioner, Fowler (for Petitioner Carmen Barba)

Atty Wright, Judith A., sole practitioner (for Delia Gonzalez, Administrator of the Estate of Lorena De La Mora, and of the Estate of Francisco J. De La Mora)

## Petition for Visitation Under Family Code Section 3102

<b>Age: 16 years</b>		<p><b>CARMEN BARBA</b>, maternal grandmother, is Petitioner.</p> <p><b>Petitioner submits her Petition pursuant to Family Code § 3102 and moves the Court for a visitation order with the minors, based upon the following:</b></p> <ul style="list-style-type: none"> <li>• Her daughter, Lorena, Lorena's husband, and Lorena's daughter, Esmeralda, perished on 8/25/2012;</li> <li>• She is the maternal grandmother of the surviving children ("the boys") of her daughter, Lorena;</li> <li>• During her daughter's life, she spoke to her daughter several times each day, and with Esmeralda, and with her surviving grandchildren as they desired, but at least twice daily;</li> <li>• Lorena would spend time at her home with her four grandchildren every other day;</li> <li>• Since their birth, she consistently spent quality time with her daughter and her grandchildren; her daughter and her grandchildren were like the sun to her;</li> <li>• She knows her daughter would want her to be involved in their lives, and to "mother" them as she and their mother did during their mother's life;</li> <li>• However, since the funeral, she and her children have not been allowed to see the boys; she loves her grandchildren and wants visitation with them;</li> <li>• She believes that it would be in their best interest to stay together, and for she and her grandchildren to maintain constant visitation;</li> </ul> <p align="center"><b>~Please see additional page~</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>THIS MATTER WILL BE HEARD AT 11:00 AM</b></p> <p><b>Note:</b> <i>Petition</i> states the Petitioner has had the <i>Petition</i> and <i>Declaration</i> read and translated to her in Spanish and knows the contents of them based upon her own knowledge.</p> <p><b>Note:</b> Pursuant to Family Code § 3171, if a grandparent has petitioned for a visitation order pursuant to Chapter 5 (commencing with Section 3100), the court <b>shall</b> set the matter for mediation.</p> <p><b>Note to Petitioner:</b> CA Rule of Court 7.51(d) requires notice to a minor be sent directly to the minor, and a separate copy of the notice must be sent to the person having legal custody of the minor, with whom the minor resides. <i>Proof of Service by Mail</i> filed 9/21/2012 does not show that proposed ward, Rafael De La Mora, was mailed notice directly as required pursuant to CA Rule of Court 7.51(d).</p>	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
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<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 10/29/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1B – De La Mora</b></p>		

**Petitioner states, continued:**

- She will be available for visitation as meets the boys' needs, but it is difficult to outline a visitation schedule to recommend to the Court because the boys are active and ought to maintain as much as possible their contacts with their fellow students at Clovis North High School;
- She is well, retired and 65 years old, and all of her children are adults and live in Fresno; they are all grieving together and miss the boys;
- They have done nothing that would create the divide that currently exists, and they want to be in the lives of these wonderful boys at this time of need; each of her grandchildren has talents, characteristics, behaviors and intellectual abilities that she knows well;
- She requests that the Court grant reasonable visitation;
- It is her understanding that the potential exists that the family of her deceased son-in-law may want to remove the residence of the boys from the County of Fresno and the State of California, as the parents of her deceased son-in-law live in Tepatitlan, Jalisco, Mexico.

**Response to Amended Petition for Visitation under Family Code § 3102 filed 10/25/2012 by Delia Gonzalez, Rafael De La Mora [Martin], and Maria De Jesus Gomez Munoz, temporary [Co-]Guardians of the Person, states:**

- Family Code § 3102 states that "(a) ... the...grandparents of the deceased parent may be granted reasonable visitation with the child during the child's minority upon a finding that the visitation would be in the best interest of the minor child."
- The Guardians agree that Rafael should have a relationship and keep in contact with his grandparent, Carmen Barba, but only to the extent that Rafael wants to have that contact;
- The Guardians believe that Rafael is mature enough to determine the extent of that contact;
- Rafael will be 17 years old next month, and has expressed his desire not to visit with Carmen;
- Guardians believe it is in Rafael's best interest not to be forced to visit with Carmen if it makes him uncomfortable or unhappy;
- Guardians assert that if Rafael wants to visit with Carmen while she is visiting with his brothers or talk with her on the phone, then that is his choice to make;
- Carmen states in her Amended Petition that Rafael De La Mora [Martin] and Maria De Jesus Gomez Munoz live in Tepatitlan, Jalisco, Mexico; this is false; Rafael De La Mora [Martin] and Maria De Jesus Gomez Munoz have resided in their home in Fresno for four years; they sold their properties in Mexico and bought their current residence;
- **They respectfully request that the Amended Petition for Visitation be denied in its entirety for Rafael.**

**Note to Respondent:** CA Rule of Court 7.51 (d) requires notice to a minor be sent directly to the minor, and a separate copy of the notice must be sent to the person having legal custody of the minor, with whom the minor resides. *Proof of Service for Response to Amended Petition for Visitation under Family Code § 3102 filed 10/25/2012* does not show that proposed ward, Rafael De La Mora, was mailed any notice of the response as required pursuant to CA Rule of Court 7.51 (d). (Service indicates only Attorney Murillo was sent notice of the response.)

Atty Sanoian, Joanne, sole practitioner (for Petitioners Delia Gonzalez, Rafael De La Mora Martin, and Maria De Jesus Gomez Munoz)

Atty Murillo, Joel M., sole practitioner, Fowler (for Petitioner Carmen Barba)

Atty Wright, Judith A., sole practitioner (for Delia Gonzalez, Administrator of the Estate of Lorena De La Mora, and of the Estate of Francisco J. De La Mora)

## Petition for Appointment of Guardian of the Person and Estate (Prob. C. 1510)

<b>Age: 15 years</b>		<b>TEMPORARY GUARDIANSHIP OF THE PERSON ONLY</b> <b>EXPIRES 10/31/2012</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>THIS MATTER WILL BE HEARD AT 11:00 AM</b>  <b>Page 2B is the Petition for Visitation filed by Carmen Barba, maternal grandmother.</b>  <b>Note:</b> Letters of Administration have been issued to <b>DELIA GONZALEZ</b> in the Estate of Lorena De La Mora (12CEPR00781) and in the Estate of Francisco J. De La Mora (12CEPR00782), the estates of this child's parents, and the following status hearings have been set in the cases: <ul style="list-style-type: none"> <li><b>Friday, March 8, 2013 for filing of the Inventory and Appraisal; and</b></li> <li><b>Friday, December 6, 2013 for filing of the First Account and/or Petition for Final Distribution.</b></li> </ul> <b>Note:</b> Receipt of assets into the requested guardianship estate is contingent upon the final distribution timeline of the deceased parents' estates. If a guardianship estate is granted for this minor, Court will set the following status hearing to accommodate the timeline for the parents' estates: <ul style="list-style-type: none"> <li><b>Friday, December 6, 2013 for status of receipt of assets from the parents' estates.</b></li> </ul>
<b>Cont. from</b>				
<input type="checkbox"/> Aff.Sub.Wit.		<b>DELIA GONZALEZ</b> , paternal aunt, is Petitioner and requests appointment of herself and <b>RAFAEL DE LA MORA MARTIN</b> and <b>MARIA DE JESUS GOMEZ MUNOZ</b> , paternal grandparents, as <u>Co-Guardians of the Person</u> , and requests appointment of herself as <u>Guardian of the Estate</u> with deposits of an amount to be determined placed into a blocked account.  Father: <b>FRANCISCO J. DE LA MORA</b> , deceased. Mother: <b>LORENA DE LA MORA</b> , deceased.  Maternal grandfather: CATARINO BARBA; sent notice by mail 9/6/2012. Maternal grandmother: CARMEN BARBA; sent notice by mail 9/6/2012.  Proposed Co-Guardians, Rafael De La Mora Martin and Maria De Jesus Gomez Munoz, consent to serve as guardians (filed 8/31/2012); proposed ward nominates Petitioner and the proposed Co-Guardians (filed 8/31/2012), and was personally served with notice on 9/4/2012.  <u><b>Estimated value of the Estate</b></u> Personal property - [to be determined]  <b>Petitioner states</b> the child's parents were killed in a plane crash on 8/25/2012, and the child is currently residing with his paternal grandparents, the Co-Petitioners. Petitioner states the child and his two siblings are the sole heirs of their parents' estates, and Petitioner [has petitioned] for Letters of Administration to probate the parents' estates. Petitioner requests no bond be required, as upon distribution to the guardianship estate, Petitioner will request that all assets be deposited into a blocked account.  <b>Court Investigator Jo Ann Morris' Report was filed 10/23/2012.</b>		
<input checked="" type="checkbox"/> Verified				
<input type="checkbox"/> Inventory				
<input type="checkbox"/> PTC				
<input type="checkbox"/> Not.Cred.				
<input checked="" type="checkbox"/> Notice of Hrg				
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<input type="checkbox"/> Citation				
<input type="checkbox"/> FTB Notice				

Atty Sanoian, Joanne, sole practitioner (for Petitioners Delia Gonzalez, Rafael De La Mora Martin, and Maria De Jesus Gomez Munoz)

Atty Murillo, Joel M., sole practitioner, Fowler (for Petitioner Carmen Barba)

Atty Wright, Judith A., sole practitioner (for Delia Gonzalez, Administrator of the Estate of Lorena De La Mora, and of the Estate of Francisco J. De La Mora)

## Petition for Visitation Under Family Code Section 3102

<b>Age: 15 years</b>		<p><b>CARMEN BARBA</b>, maternal grandmother, is Petitioner.</p> <p><b>Petitioner submits her Petition pursuant to Family Code § 3102 and moves the Court for a visitation order with the minors, based upon the following:</b></p> <ul style="list-style-type: none"> <li>Her daughter, Lorena, Lorena's husband, and Lorena's daughter, Esmeralda, perished on 8/25/2012;</li> <li>She is the maternal grandmother of the surviving children ("the boys") of her daughter, Lorena;</li> <li>During her daughter's life, she spoke to her daughter several times each day, and with Esmeralda, and with her surviving grandchildren as they desired, but at least twice daily;</li> <li>Lorena would spend time at her home with her four grandchildren every other day;</li> <li>Since their birth, she consistently spent quality time with her daughter and her grandchildren; her daughter and her grandchildren were like the sun to her;</li> <li>She knows her daughter would want her to be involved in their lives, and to "mother" them as she and their mother did during their mother's life;</li> <li>However, since the funeral, she and her children have not been allowed to see the boys; she loves her grandchildren and wants visitation with them;</li> <li>She believes that it would be in their best interest to stay together, and for she and her grandchildren to maintain constant visitation;</li> </ul> <p align="center"><b>~Please see additional page~</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>THIS MATTER WILL BE HEARD AT 11:00 AM</b></p> <p><b>Note:</b> <i>Petition</i> states the Petitioner has had the <i>Petition</i> and <i>Declaration</i> read and translated to her in Spanish and knows the contents of them based upon her own knowledge.</p> <p><b>Note:</b> Pursuant to Family Code § 3171, if a grandparent has petitioned for a visitation order pursuant to Chapter 5 (commencing with Section 3100), the court <b>shall</b> set the matter for mediation.</p> <p><b>Note to Petitioner:</b> CA Rule of Court 7.51(d) requires notice to a minor be sent directly to the minor, and a separate copy of the notice must be sent to the person having legal custody of the minor, with whom the minor resides. <i>Proof of Service by Mail</i> filed 9/21/2012 does not show that proposed ward, Rafael De La Mora, was mailed notice directly as required pursuant to CA Rule of Court 7.51(d).</p>	
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<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

**Petitioner states, continued:**

- She will be available for visitation as meets the boys' needs, but it is difficult to outline a visitation schedule to recommend to the Court because the boys are active and ought to maintain as much as possible their contacts with their fellow students at Clovis North High School;
- She is well, retired and 65 years old, and all of her children are adults and live in Fresno; they are all grieving together and miss the boys;
- They have done nothing that would create the divide that currently exists, and they want to be in the lives of these wonderful boys at this time of need; each of her grandchildren has talents, characteristics, behaviors and intellectual abilities that she knows well;
- She requests that the Court grant reasonable visitation;
- It is her understanding that the potential exists that the family of her deceased son-in-law may want to remove the residence of the boys from the County of Fresno and the State of California, as the parents of her deceased son-in-law live in Tepatitlan, Jalisco, Mexico.

**Response to Amended Petition for Visitation under Family Code § 3102 filed 10/25/2012 by Delia Gonzalez, Rafael De La Mora [Martin], and Maria De Jesus Gomez Munoz, temporary [Co-]Guardians of the Person, states:**

- Family Code § 3102 states that "(a) ... the...grandparents of the deceased parent may be granted reasonable visitation with the child during the child's minority upon a finding that the visitation would be in the best interest of the minor child."
- The Guardians agree that Francisco should have a relationship and keep in contact with his grandparent, Carmen Barba; the Guardians have never interfered with Francisco talking on the phone to Carmen;
- As stated in Carmen's Amended Petition, it is difficult to determine a schedule that doesn't interfere with Francisco's school life and activities;
- **The Guardians believe that a reasonable visitation schedule would be every other Saturday for two or three hours at Francisco's residence;**
- Carmen can certainly talk to Francisco on the phone as much as Francisco wants;
- Carmen must contact the Guardians at least two days before the visit to schedule the time;
- Carmen has been contacting the minors to set up visitation which has caused some problems;
- Carmen states in her Amended Petition that Rafael De La Mora [Martin] and Maria De Jesus Gomez Munoz live in Tepatitlan, Jalisco, Mexico; this is false; Rafael De La Mora [Martin] and Maria De Jesus Gomez Munoz have resided in their home in Fresno for four years; they sold their properties in Mexico and bought their current residence;
- **They respectfully request that the Court grant visitation [for Francisco, Jr.] every other Saturday for two to three hours at the residence of the Guardians, Rafael De La Mora [Martin] and Maria De Jesus Gomez Munoz, and [order that] Carmen Barba must contact the Guardians to schedule the visitation time at least two days before the visit.**

**Note to Respondent:** CA Rule of Court 7.51 (d) requires notice to a minor be sent directly to the minor, and a separate copy of the notice must be sent to the person having legal custody of the minor, with whom the minor resides. *Proof of Service for Response to Amended Petition for Visitation under Family Code § 3102 filed 10/25/2012* does not show that proposed ward, Francisco De La Mora, Jr., was mailed any notice of the response as required pursuant to CA Rule of Court 7.51 (d). (Service indicates only Attorney Murillo was sent notice of the response.)

Atty Sanoian, Joanne, sole practitioner (for Petitioners Delia Gonzalez, Rafael De La Mora Martin, and Maria De Jesus Gomez Munoz)

Atty Murillo, Joel M., sole practitioner, Fowler (for Petitioner Carmen Barba)

Atty Wright, Judith A., sole practitioner (for Delia Gonzalez, Administrator of the Estate of Lorena De La Mora, and of the Estate of Francisco J. De La Mora)

## Petition for Appointment of Guardian of the Person and Estate (Prob. C. 1510)

Age: 12 years		<p align="center"><b>TEMPORARY GUARDIANSHIP OF THE <u>PERSON ONLY</u></b></p> <p align="center"><b>EXPIRES 10/31/2012</b></p> <p><b>DELIA GONZALEZ</b>, paternal aunt, is Petitioner and requests appointment of herself and <b>RAFAEL DE LA MORA MARTIN</b> and <b>MARIA DE JESUS GOMEZ MUNOZ</b>, paternal grandparents, as <u>Co-Guardians of the Person</u>, and requests appointment of herself as <u>Guardian of the Estate</u> with deposits of an amount to be determined placed into a blocked account.</p> <p>Father: <b>FRANCISCO J. DE LA MORA</b>, deceased. Mother: <b>LORENA DE LA MORA</b>, deceased.</p> <p>Maternal grandfather: CATARINO BARBA; sent notice by mail 9/5/2012. Maternal grandmother: CARMEN BARBA; sent notice by mail 9/5/2012.</p> <p>Proposed Co-Guardians, Rafael De La Mora Martin and Maria De Jesus Gomez Munoz, consent to serve as guardians (filed 8/31/2012); proposed ward nominates Petitioner and the proposed Co-Guardians (filed 8/31/2012), and was personally served with notice on 9/4/2012.</p> <p><b>Estimated value of the Estate</b> Personal property - [to be determined]</p> <p><b>Petitioner states</b> the child's parents were killed in a plane crash on 8/25/2012, and the child is currently residing with his paternal grandparents, the Co-Petitioners. Petitioner states the child and his two siblings are the sole heirs of their parents' estates, and Petitioner [has petitioned] for Letters of Administration to probate the parents' estates. Petitioner requests no bond be required, as upon distribution to the guardianship estate, Petitioner will request that all assets be deposited into a blocked account.</p> <p><b>Court Investigator Jo Ann Morris' Report</b> was filed 10/23/2012.</p> <p align="center">~Please see additional page for Objection~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p align="center"><b>THIS MATTER WILL BE HEARD AT 11:00 AM</b></p> <p><b>Page 3B is the Amended Petition for Visitation filed by Carmen Barba, maternal grandmother.</b></p> <p><b>Note:</b> Letters of Administration have been issued to <b>DELIA GONZALEZ</b> in the Estate of Lorena De La Mora (12CEPR00781) and in the Estate of Francisco J. De La Mora (12CEPR00782), the estates of this child's parents, and the following status hearings have been set in the cases:</p> <ul style="list-style-type: none"> <li><b>Friday, March 8, 2013 for filing of the Inventory and Appraisal; and</b></li> <li><b>Friday, December 6, 2013 for filing of the First Account and/or Petition for Final Distribution.</b></li> </ul> <p><b>Note:</b> Receipt of assets into the requested guardianship estate is contingent upon the final distribution timeline of the deceased parents' estates. If a guardianship estate is granted for this minor, Court will set the following status hearing to accommodate the timeline for the parents' estates:</p> <ul style="list-style-type: none"> <li><b>Friday, December 6, 2013 for status of receipt of assets from the parents' estates.</b></li> </ul>
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***Objection to Guardianship filed 9/10/2012 by CARMEN BARBA, maternal grandmother, states:***

- She requests the Court consider her as a possible guardian to her grandchildren;
- She has been actively involved in their lives since birth;
- If her grandchildren wish, she would volunteer to be appointed temporary guardian until the Wills of her daughter and son-in-law are read.

Atty Sanoian, Joanne, sole practitioner (for Petitioners Delia Gonzalez, Rafael De La Mora Martin, and Maria De Jesus Gomez Munoz)

Atty Murillo, Joel M., sole practitioner, Fowler (for Petitioner Carmen Barba)

Atty Wright, Judith A., sole practitioner (for Delia Gonzalez, Administrator of the Estate of Lorena De La Mora, and of the Estate of Francisco J. De La Mora)

## Amended Petition for Visitation Under Family Code Section 3102

<b>Age: 12 years</b>		<p><b>CARMEN BARBA</b>, maternal grandmother, is Petitioner.</p> <p><b>Petitioner submits her Petition pursuant to Family Code § 3102 and moves the Court for a visitation order with the minors, based upon the following:</b></p> <ul style="list-style-type: none"> <li>• Her daughter, Lorena, Lorena's husband, and Lorena's daughter, Esmeralda, perished on 8/25/2012;</li> <li>• She is the maternal grandmother of the surviving children ("the boys") of her daughter, Lorena;</li> <li>• During her daughter's life, she spoke to her daughter several times each day, and with Esmeralda, and with her surviving grandchildren as they desired, but at least twice daily;</li> <li>• Lorena would spend time at her home with her four grandchildren every other day;</li> <li>• Since their birth, she consistently spent quality time with her daughter and her grandchildren; her daughter and her grandchildren were like the sun to her;</li> <li>• She knows her daughter would want her to be involved in their lives, and to "mother" them as she and their mother did during their mother's life;</li> <li>• However, since the funeral, she and her children have not been allowed to see the boys; she loves her grandchildren and wants visitation with them;</li> <li>• She believes that it would be in their best interest to stay together, and for she and her grandchildren to maintain constant visitation;</li> </ul> <p align="center">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>THIS MATTER WILL BE HEARD AT 11:00 AM</b></p> <p><u>Note:</u> Substitution of Attorney filed 9/12/2012 indicates Attorney Joel Murillo represents the Petitioner since 9/11/2012, and filed the Amended Petition for Visitation on her behalf subsequent to her filing the initial petition in this case number on 9/10/2012.</p> <p><u>Note:</u> Pursuant to Family Code § 3171, if a grandparent has petitioned for a visitation order pursuant to Chapter 5 (commencing with Section 3100), the court <b>shall</b> set the matter for mediation.</p> <p><u>Note to Petitioner:</u> CA Rule of Court 7.51(d) requires notice to a minor be sent directly to the minor, and a separate copy of the notice must be sent to the person having legal custody of the minor, with whom the minor resides. Proof of Service by Mail filed 9/21/2012 does not show that proposed ward, Rafael De La Mora, was mailed notice directly as required pursuant to CA Rule of Court 7.51(d).</p>	
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<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 10/29/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 3B – F. De La Mora</b></p>		



**Petitioner states, continued:**

- She will be available for visitation as meets the boys' needs, but it is difficult to outline a visitation schedule to recommend to the Court because the boys are active and ought to maintain as much as possible their contacts with their fellow students at Clovis North High School;
- She is well, retired and 65 years old, and all of her children are adults and live in Fresno; they are all grieving together and miss the boys;
- They have done nothing that would create the divide that currently exists, and they want to be in the lives of these wonderful boys at this time of need; each of her grandchildren has talents, characteristics, behaviors and intellectual abilities that she knows well;
- She requests that the Court grant reasonable visitation;
- It is her understanding that the potential exists that the family of her deceased son-in-law may want to remove the residence of the boys from the County of Fresno and the State of California, as the parents of her deceased son-in-law live in Tepatitlan, Jalisco, Mexico.

**Response to Amended Petition for Visitation under Family Code § 3102 filed 10/25/2012 by Delia Gonzalez, Rafael De La Mora [Martin], and Maria De Jesus Gomez Munoz, temporary [Co-]Guardians of the Person, states:**

- Family Code § 3102 states that "(a) ... the...grandparents of the deceased parent may be granted reasonable visitation with the child during the child's minority upon a finding that the visitation would be in the best interest of the minor child."
- The Guardians agree that Francisco should have a relationship and keep in contact with his grandparent, Carmen Barba; the Guardians have never interfered with Fernando talking on the phone to Carmen;
- As stated in Carmen's Amended Petition, it is difficult to determine a schedule that doesn't interfere with Fernando's school life and activities;
- **The Guardians believe that a reasonable visitation schedule would be every other Saturday for two or three hours at Fernando's residence;**
- Carmen can certainly talk to Fernando on the phone as much as Fernando wants;
- Carmen must contact the Guardians at least two days before the visit to schedule the time;
- Carmen has been contacting the minors to set up visitation which has caused some problems;
- Carmen states in her Amended Petition that Rafael De La Mora [Martin] and Maria De Jesus Gomez Munoz live in Tepatitlan, Jalisco, Mexico; this is false; Rafael De La Mora [Martin] and Maria De Jesus Gomez Munoz have resided in their home in Fresno for four years; they sold their properties in Mexico and bought their current residence;
- **They respectfully request that the Court grant visitation [for Fernando] every other Saturday for two to three hours at the residence of the Guardians, Rafael De La Mora [Martin] and Maria De Jesus Gomez Munoz, and [order that] Carmen Barba must contact the Guardians to schedule the visitation time at least two days before the visit.**

**Note to Respondent:** CA Rule of Court 7.51 (d) requires notice to a minor be sent directly to the minor, and a separate copy of the notice must be sent to the person having legal custody of the minor, with whom the minor resides. *Proof of Service for Response to Amended Petition for Visitation under Family Code § 3102 filed 10/25/2012* does not show that proposed ward, Fernando De La Mora, was mailed any notice of the response as required pursuant to CA Rule of Court 7.51 (d). (Service indicates only Attorney Murillo was sent notice of the response.)